

The allegations of Count 1 are hereby re-alleged and incorporated herein. On or about August 3, 2016, in the Northern District of Ohio, IND-1, a person whose identity is known to the Grand Jury, did fatally ingest and overdose on controlled substances, namely furanyl fentanyl, that DEREK HAMILTON had distributed to IND-1 on August 2, 2016.

As a result of DEREK HAMILTON's distribution of furanyl fentanyl, as alleged in Count 1, death did result from the use of furanyl fentanyl, a Schedule I controlled substance, in violation of the enhanced penalty provisions of Title 21, United States Code, Section 841(b)(1)(C).

COUNT 2

The Grand Jury further charges:

On or about August 2, 2016, in the Northern District of Ohio, Eastern Division, DEREK HAMILTON, the defendant herein, did knowingly and intentionally distribute a mixture or substance containing a detectable amount of furanyl fentanyl, a Schedule I controlled substance, in violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(C).

COUNT 3

The Grand Jury further charges:

On or about August 2, 2016, in the Northern District of Ohio, Eastern Division, DEREK HAMILTON, the defendant herein, did knowingly and intentionally use a communication facility, to wit: a telephone, to facilitate acts constituting a felony under Title 21, United States Code, Section 841(a)(1), in violation of Title 21, United States Code, Section 843(b).

COUNT 4

The Grand Jury further charges:

On or about August 9, 2017, in the Northern District of Ohio, Eastern Division, DEREK HAMILTON, the defendant herein, did knowingly and intentionally possess with intent to

distribute 3.01 grams of a mixture or substance containing a detectable amount of heroin, a Schedule I controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

COUNT 5

The Grand Jury further charges:

On or about August 9, 2017, in the Northern District of Ohio, Eastern Division, DEREK HAMILTON, the defendant herein, did knowingly and intentionally possess with intent to distribute 3.52 grams of a mixture or substance containing a detectable amount of fentanyl and cocaine, both Schedule II controlled substances, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

COUNT 6

The Grand Jury further charges:

On or about August 9, 2017, in the Northern District of Ohio, Eastern Division, DEREK HAMILTON, the defendant herein, did knowingly and intentionally possess with intent to distribute an amount of a mixture or substance containing a detectable amount of heroin, a Schedule I controlled substance, and cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

COUNT 7

The Grand Jury further charges:

On or about August 9, 2017, in the Northern District of Ohio, Eastern Division, DEREK HAMILTON, the defendant herein, did knowingly and intentionally possess with intent to distribute an amount of a mixture or substance containing a detectable amount of cocaine, a

Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

COUNT 8

The Grand Jury further charges:

On or about August 9, 2017, in the Northern District of Ohio, Eastern Division, DEREK HAMILTON, the defendant herein, did knowingly and intentionally possess with intent to distribute an amount of a mixture or substance containing a detectable amount of fentanyl, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

COUNT 9

The Grand Jury further charges:

On or about August 9, 2017, in the Northern District of Ohio, Eastern Division, DEREK HAMILTON, the defendant herein, having been previously convicted of crimes punishable by imprisonment for a term exceeding one year, those being: Rape and Gross Sexual Imposition, in case number 13CR576045, in the Cuyahoga County Common Pleas Court, on or about April 3, 2014; and Weapons Under Disability, in case number 11CR555401, in the Cuyahoga County Common Pleas Court, on or about October 11, 2012, did knowingly possess in and affecting interstate commerce firearms, to wit: an 870 Remington 12 gauge shotgun, bearing serial number RS18666D, and ammunition, in violation of Title 18, Section 922(g)(1), United States Code.

COUNT 10

The Grand Jury further charges:

On or about August 9, 2017, in the Northern District of Ohio, Eastern Division, DEREK HAMILTON, the defendant herein, did knowingly use, carry, and possess a firearm, that is, an

870 Remington 12 gauge shotgun, bearing serial number RS18666D, during and in relation to and in furtherance of a drug trafficking crime, for which said defendant may be prosecuted in a court of the United States, that is: Possession with Intent to Distribute Furanyl Fentanyl, Possession with Intent to Distribute Heroin, Possession with Intent to Distribute a Mixture of Fentanyl and Cocaine, Possession with Intent to Distribute a Mixture of Heroin and Cocaine, Possession with Intent to Distribute Cocaine, and/or Possession with Intent to Distribute Fentanyl, all in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C), as charged in Counts 1, 2, 4, 5, 6, 7, and 8 of the Indictment, in violation of Title 18, United States Code, Section 924(c)(1)(A), and punishable under Title 18, Section 924(c)(1)(A)(i), United States Code.

FORFEITURE

The Grand Jury further charges:

For the purpose of alleging forfeiture pursuant to 21 U.S.C. § 853, 18 U.S.C. § 924(d)(1) and 28 U.S.C. § 2461(c), the allegations of Counts 1 through 10, inclusive, are incorporated herein by reference. As a result of the foregoing offenses, DEREK HAMILTON, the defendant herein, shall forfeit to the United States any and all property constituting, or derived from, any proceeds they obtained, directly or indirectly, as the result of such violations; any and all of their property used or intended to be used, in any manner or part, to commit or to facilitate the commission of such violations; and, any and all property (including firearms and ammunition) involved in or used in the commission of such violations.

A TRUE BILL.

Original Document—Signatures on file with the Clerk of Courts, pursuant to the E-Government Act of 2002.